

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
March 10, 2023

A regular meeting of the Kentucky Board Chiropractic Examiners was held at the Department of Professional Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on March 10, 2023.

MEMBERS PRESENT

Dr. James England
Dr. Rachael Kuperus
Dr. Shannon Johnson
Dr. Chad Henderson
Dr. Kelly Cooper-Henson

DEPARTMENT OF PROFESSIONAL LICENSING

Tasha Stewart, Administrative Section Supervisor
Courtney Cook, Administrative Section Supervisor
Ashley Cotton, Board Administrator

OTHERS

Clayton Patrick, Public Protection Cabinet
Office of Legal Services, Board Counsel
Sara Janes, Public Protection Cabinet
Office of Legal Services, Board Counsel

GUESTS

Dr. Eric Davis, KAC
Dr. Rachel Wendt, KAC

CALL TO ORDER

Dr. England called the meeting to order at 12:03 p.m.

MINUTES

A motion was made by Dr. Johnson to approve the minutes from the January 20, 2023, board meeting. Motion seconded by Dr. Henderson, carried.

FINANCIAL STATEMENT

The board reviewed the January and February 2023 financial statements. No action taken.

DPL UPDATE

No report.

LEGAL COUNSEL

No report.

OLD BUSINESS

Dr. England made a motion to refer the incomplete jurisprudence course list to be reviewed by the Complaints Committee. Motion seconded by Dr. Johnson, carried.

Dr. Kuperus made a motion to accept the Investigative Services Contract with KM Solutions as presented. Motion seconded by Dr. Henderson, carried.

Dr. Henderson made a motion to approve expenditure for Dr. Johnson to attend FCLB's Annual Meeting in West Palm Beach, FL on April 26-30, 2023. Motion seconded by Dr. Kuperus, carried.

Dr. Kuperus made a motion to nominate Dr. Cooper-Henson to attend NBCE Part IV Examination on May 20-21, 2023 (location TBD). Motion seconded by Dr. Henderson, carried.

Dr. England made a motion to nominate Dr. Kuperus to attend NBCE Part IV Test Development on June 23-24, 2023 in Greeley, CO. Motion seconded by Dr. Johnson.

NEW BUSINESS

Dry Needling inquiry was reviewed.

Dr. England made a motion for Board Administrator to respond to inquiry via email stating that dry needling is within a Kentucky licensed Chiropractor's scope of practice as an adjunct treatment. Motion seconded by Dr. Johnson, carried.

APPLICATIONS COMMITTEE

Dr. Henderson made a motion to approve M.W. Hardship Request. Motion seconded by Dr. Cooper-Henson, carried.

Dr. Cooper-Henson made a motion to accept the below-listed Applications Committee recommendations as presented. Motion seconded by Dr. England, carried.

S.M. Inquiry – Recommend allowing licensee to withdraw initial licensure application. Legal counsel will draft letter.

S.W. 2023 Renewal – Recommend denying 2023 Renewal extension. Legal counsel will draft letter.

R.G. 2023 Renewal – Recommend approving 2023 Renewal and referring 2023 Renewal to Complaints Committee for review.

P.C. 2023 Renewal – Recommend approving 2023 Renewal and referring 2023 Renewal to Complaints Committee for review.

J.H. 2023 Renewal – Recommend approving 2023 Renewal and referring 2023 Renewal to Complaints Committee for review.

C.F. 2023 Renewal – Recommend approving 2023 Renewal.

M.M. Renewal/Reinstatement Inquiry – Recommend licensee apply for reinstatement. Legal counsel will draft letter.

The board reviewed the Licensure Record Report. No action taken.

STATUTES AND REGULATIONS COMMITTEE

The Regulations Committee presented the following-

- **Manipulation of Animals** – Ongoing.
- **Regulation Changes** – Proposed regulation changes for 201 KAR 21:025, 201 KAR 21:041, 201 KAR 21:042, 201 KAR 21:075, 201 KAR 21:095, and 201 KAR 21:105 were reviewed.
- **Form Changes** - Proposed KBCE form changes were reviewed.

Dr. England made a motion to accept and approve Regulation and Form changes as presented. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion that the Regulations Committee will continue to monitor and review inquiries received regarding regulation changes. Motion seconded by Dr. Johnson, carried.

COMPLAINTS COMMITTEE

The Complaints Committee presented the following recommendations for board vote:

- **C.S. Inquiry** – Recommend legal counsel draft letter to instruct licensee to get in contact with attorney and patient immediately and inquire what action was taken to notify patients that the licensee was no longer practicing.
- **A.F. Self Report** – Recommend legal counsel draft letter to licensee requesting an update on lawsuit prior to all scheduled Complaints Committee Meetings to be reviewed by the Complaints Committee.
- **S.M. Agreed Order, Administrative Action 16-005** – Ongoing. Waiting to receive and review updated report from Dr. Mattingly.
- **2021KBCE00016, 2021KBCE00025, 2021KBCE00029** – Recommend legal counsel draft letter to notify licensee that all terms of the Agreed Order must be complete. The Agreed Order must be signed and returned within 14 days. Licensee will pay a fine of \$1000 and take the Board’s Jurisprudence Course within 60 days of the respondent’s signature on the Agreed Order. Failure to comply will result in the disciplinary action of license suspension.
- **M.Y. DUI Report** – Recommend agreed order with the following terms: respondent will be placed on probation until the 2024 renewal period.
- **P.C. 2022 Renewal** – Recommend legal counsel draft letter to licensee requesting an update on the civil action prior to all scheduled Complaints Committee Meetings to be reviewed by the Complaints Committee.
- **2019KBCE00003** – Recommend granting attorney’s request for continuance until May of 2023.

A motion was made by Dr. England to accept the above-listed complaint committee recommendations as presented. Motion seconded by Dr. Kuperus, carried.

Dr. England made a motion to adopt a policy to allow the Complaints Committee to require updates from licensees prior to every scheduled Complaints Committee Meetings for review. Motion seconded by Dr. Johnson, carried.

TRAVEL AND PER DIEM

A motion was made by Dr. England to approve the following travel and per diem:

- Dr. England – January 26, 2023 (3 hours, regulation changes), February 16, 2023 (3 hours, meeting prep/regulations committee meeting), March 2, 2023 (3 hours, meeting prep/complaints committee meeting), March 8, 2023 (3 hours, meeting prep), March 9, 2023 (3 hours, meeting prep/regulations committee meeting), March 10, 2023 (3 hours, meeting prep/board meeting).
- Dr. Henderson – February 20, 2023 (applications committee meeting), February 27, 2023 (3 hours, applications review), March 6, 2023 (applications committee), March 10, 2023 (board meeting).
- Dr. Kuperus – February 16, 2023 (regulations committee meeting), March 9, 2023 (regulations committee meeting), March 10, 2023 (board meeting).
- Dr. Johnson – February 27, 2023 (3 hours, complaints review), March 2, 2023 (complaints committee meeting), March 9, 2023 (3 hours meeting prep), March 10, 2023 (board meeting).
- Dr. Cooper-Henson – December 5, 2022 (3.5 hours, applications review), December 28, 2022 (3.5 hours, applications review), February 1, 2023 (3.75 hours, applications review), February 16, 2023 (2.75 hours, applications review), February 20, 2023 (applications committee)

meeting), February 27, 2023 (2 hours, applications review), March 6, 2023 (applications committee meeting), March 10, 2023 (board meeting).

Motion seconded by Dr. Cooper-Henson, carried.

ADJOURN

A motion was made by Dr. Johnson to adjourn the meeting at 1:35 p.m. Motion seconded by Dr. England, carried.



Dr. James England, President